REMARKS:

This amendment is being filed in response to the Office Action dated June 22, 2007. At the time of the Office Action, claims 1-6, 8-17 and 19-23 were pending. The Examiner rejected claims 1-6, 8-17 and 19-23. By this response, Applicants have amended claims 1 and 12. Accordingly, claims 1-6, 8-17 and 19-23 are currently pending. For the following reasons, this application should be considered in condition for allowance and the case passed to issue.

Rejections to the Claims under 35 U.S.C. § 102

Claims 1-6, 8-17 and 19-23 were rejected under Section 35 U.S.C. 102(b) as being anticipated by U.S. Pub. No. 2002/0099273 to Bocionek et al. (hereinafter "Bocionek"). These rejections are hereby traversed and reconsideration and withdrawal thereof are respectfully requested.

Independent claim 1 recites:

> A system for analyzing medical treatment data associated with medical treatments for a plurality of patients to determine a medical treatment guideline based on actual treatment of a plurality of patients, and for updating at least one medical device that is in communication with the system with the guideline. The system comprises:
>
> (1) A memory for storing medical treatment data associated with medical treatments actually delivered to a plurality of patients. The medical treatment data includes a plurality of treatment parameters for each of the plurality of patients, and a treatment parameter value associated with each treatment parameter.
>
> (2) A processor operatively connected to the memory and configured to:
>
> > (a) Compile from the medical treatment data a plurality of treatment parameter values associated with a selected treatment parameter;
> >
> > (b) Analyze the compiled treatment parameter values

> (c) Determine a medical treatment guideline in accordance with the analysis. The medical treatment guideline represents acceptable values for the selected treatment parameter.
>
> (d) Automatically supply the medical device with at least one revised treatment guideline.

In order to anticipate the claims of an invention under 35 U.S.C. § 102, a single prior art reference must identically disclose each and every element of the claimed invention. It is respectfully submitted that Bocionek fails to satisfy this high burden in regard to independent claim 1.

Bocionek teaches a medical information system that processes information from multiple sources for use by healthcare professionals in clinical care delivery. Bocionek fails to disclose "a processor ... configured to ... automatically supply the medical device with at least one revised treatment guideline," as recited in independent claim 1. Instead, Bocionek discloses a "device controller ... in conjunction with decision functions [which] intelligently control devices...." (Bocionek, [0027]). The controlling of a device as described in Bocionek is different than automatically supplying a medical device with a revised treatment guideline, as provided in independent claim 1. The Examiner concedes (Office Action, page 3) that Bocionek discloses decision functions which "determine optimal drug dosage to be applied by [an] infusion pump ... using a control mechanism." (Bocionek, [0027], underlining added). This refers to a particular instance of controlling in Bocionek, where an infusion pump is controlled by a control mechanism according to decision functions. The infusion pump itself is not supplied with a revised treatment guideline. Again, Bocionek's arrangement does not automatically supply a medical device with a revised treatment guideline, as provided in independent claim 1, because it concerns controlling a device (here, an infusion pump), rather than supplying the device with a guideline. Furthermore, the "optimal drug dosage to be applied by [an] infusion pump" in

Bocionek clearly shows that the device in Bocionek is receiving an instruction, rather than a guideline, as recited in independent claim 1.

For at least these reasons, Bocionek does not contain each and every element of independent claim 1. Therefore, Bocionek fails to anticipate independent claim 1, and the claims dependent therefrom. Dependent claims 2-6, 8-10 and 22 all depend from independent claim 1 (claims 4 and 5 being indirectly dependent in that they depend directly from claim 3, which depends directly from independent claim 1). Dependent claims 2-6, 8-10 and 22 therefore cannot be anticipated by Bocionek, for at least the same reasons that Bocionek does not anticipate independent claim 1.

Independent claim 11 recites "a system comprising ... means to update treatment guidelines in the medical devices." Bocionek fails to disclose such a system. Bocionek teaches "modules and functions [that] are advantageously able to access and update patient record information." (Bocionek, [0017]). These modules and functions are different than the "means to update treatment guidelines in the medical devices," recited in independent claim 11. The modules and functions in Bocionek update patient records, rather than medical devices, and the updating does not involve treatment guidelines.

For at least these reasons, Bocionek does not contain each and every element of independent claim 11. Therefore, Bocionek fails to anticipate independent claim 11, and the claims dependent therefrom. Dependent claim 21 depends from independent claim 11. Dependent claim 21 therefore cannot be anticipated by Bocionek, for at least the same reasons that Bocionek does not anticipate independent claim 11.

Independent claim 12 recites a "method comprising ... providing the revised medical treatment guideline to a medical device from a remote location." Bocionek fails to disclose such

a method. Bocionek teaches a "CCIS application[, which] stores ... medical parameters together with any treatment outcome data in local or remote databases for subsequent analysis." (Bocionek, [0029]). The "CCIS application also adaptively updates ... the analysis system based on stored data including treatment outcome data." (Bocionek, [0029]). In Bocionek, the information is not provided to a medical device, as recited in independent claim 12.

Furthermore, independent claim 12 recites "analyzing the compiled treatment parameter values; determining a revised medical treatment guideline in accordance with the analysis, the medical treatment guideline representing acceptable values for the selected treatment parameter." The "medical parameters" and "treatment outcome data" in Bocionek are different from the "medical treatment guideline," recited in claim 12. The medical parameters in Bocionek are "electro-cardiograph data, electro-encephalograph data, ventilation data, blood oxygen data, blood pressure data, infusion pump data and pulse data." (Bocionek, [0028]). Thus the medical parameters and treatment outcome data in Bocionek are merely data, rather than a "guideline representing acceptable values for the selected treatment parameter," as recited in independent claim 12. Moreover, the medical parameters and treatment outcome data in Bocionek are obtained in connection with monitoring patients from patient monitoring devices (*see* Bocionek, [0028]), whereas the guideline in independent claim 12 is a "revised medical treatment guideline in accordance with the analysis."

For at least these reasons, Bocionek does not contain each and every element of independent claim 12. Therefore, Bocionek fails to anticipate independent claim 12, and the claims dependent therefrom. Dependent claims 13-17, 19 and 20 depend from independent claim 12 (claims 15 and 16 being indirectly dependent in that they depend directly from claim 14, which depends directly from independent claim 12). Dependent claims 13-17, 19 and 20

therefore cannot be anticipated by Bocionek, for at least the same reasons that Bocionek does not anticipate independent claim 12.

Independent claim 23 recites a system comprising "a medication device having an alarm and a library of appropriate parameters, the alarm being activated when a medical treatment guideline having parameters outside of the appropriate parameters is input into the medication device." Bocionek fails to disclose such a system. As the Examiner concedes on page 6 of the Office Action, Bocionek teaches an "alarm function [which] generates an alarm based on vital signs collected from patient monitoring units." The alarm in Bocionek is different to the alarm in independent claim 23. The alarm in independent claim 23 is activated "when a medical treatment guideline having parameters outside of the appropriate parameters is input into [a] medication device," whereas the alarm in Bocionek is activated "based on vital signs collected from patient monitoring units."

For at least these reasons, Bocionek does not contain each and every element of independent claim 23. Therefore, Bocionek fails to anticipate independent claim 23.

Accordingly, Applicants request withdrawal of the rejections of claims 1-6, 8-17 and 19-23, and allowance of claims 1-6, 8-17 and 19-23.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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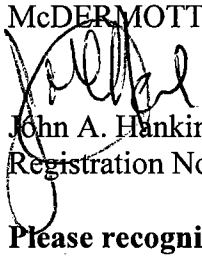

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